

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION

PLAINTIFF

v.

WELLS FARGO & CO., ET AL,

DEFENDANTS

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:06-CV-72-DF

**NOTICE OF DEFENDANTS' CITY NATIONAL CORPORATION
AND CITY NATIONAL BANK**

TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that Defendants' City National Corporation and City National Bank ("City National") decline to sign the stipulation set forth in the Court's October 25, 2006 Order regarding a stay as to the Ballard Patents.

DATED this 2nd day of November, 2006.

By: /s/ Andrew W. Spangler

David Gindler – Lead Attorney

State Bar No. 117824

Rachel M. Capoccia

State Bar No. 187160

Morgan Chu

State Bar No. 70466

Andrew D. Weiss

State Bar No. 232974

Elizabeth L. Rosenblatt

State Bar No. 203196

Irell & Manella, LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067

310-277-1010

Fax: 310-282-5655

Email: rcapoccia@irell.com

Email: mchu@irell.com

Email: aweiss@irell.com
Email: erosenblatt@irell.com
Email: dgindler@irell.com

Sidney Calvin Capshaw, III
State Bar No. 03783900
Andrew W. Spangler
State Bar No. 24041960
Elizabeth L. DeRieux
State Bar No. 05770585
Brown McCarroll
1127 Judson Rd., Ste. 220
Longview, TX 75601
PO Box 3999
Longview, TX 75606-3999
903-236-9800
Fax: 1-903-236-8787
Email: ccapshaw@mailbmc.com
Email: aspangler@mailbmc.com
Email: ederieux@mailbmc.com

ATTORNEYS FOR DEFENDANTS
CITY NATIONAL CORPORATION AND
CITY NATIONAL BANK

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2nd day of November, 2006, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Andrew W. Spangler

Andrew W. Spangler